

Remarks and Argument

In the Official Action dated 28 August 2002, the various 22 January 2001-filed claims were rejected as being "indefinitely non-compliant" under 35 U. S. Code 112. In this regard, it is respectfully urged that the herein submitted: Claim 2(Amended), Claim 3, Claim 4, Claim 6, Claim 8, Claim 9, and the sole remaining independent claim (Claim 10), all comply with the requirements of 35 U. S. Code 112.

In the Official ~~Action~~ dated 28 August 2002, the 22 January 2001-filed independent Claim number 1 was twice rejected under 35 U. S. Code 102: once upon the sole basis of Fig. 1 of U. S. Patent 5,246,749 to HANDZLIK; and alternatively on the sole basis of Fig. 44 of U. S. Patent 6,412,197 to KRULL.

The 35 U. S. Code 102 Rejection over HANDZLIK

As set forth at line-9 of applicant-Bland's 22 January 2001-filed Claim number 1 and at lines-4 & 5 of superceding independent Claim number 10, applicant-Bland's horizontally-vibratory and topically-ornamental column is relegatively confined to the walking shoe lower-base rear-end. In counterdistinction, HANDZLIK's columnar antenna (3) is stiffly non-vibratory and is attached to a forward portion and above the lower-base of HANDZLIK's walking shoe (2).

The 35 U. S. Code 102 Rejection over KRULL

As set forth at line-9 of applicant-Bland's 22 January 2001-filed Claim number 1 and at lines 4 & 5 of superceding independent Claim number 10, applicant-Bland's horizontally-vibratory and topically-ornamental column is relatively confined to the walking shoe lower-base rear-end. In counterdistinction, KRULL's columnar spring 506 (though admittedly being horizontally vibratory) is attached to the foreward toe portion (91) and above the sole lower-base (99) of walking shoe (90).

The 35 U. S. Code 103 Rejection of Claims 2(Amended)a and 9

Concerning the 28 August 2002 35 USCode 103 Rejection, the Examiner's attention is respectfully re-directed to applicant-Bland's position taken in the immediately foregoing paragraph.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The paragraph beginning at page 4, line 9, has been amended as follows:

The novel lofty warning devices (e.g. 10) for typical walking shoes (e.g. 5) essentially comprise one or more lofty and horizontally vibratory columns (preferably of helical construction) that are respectively relegatively attached to the rear-end portion of the walking shoe lower-base (5) and extending loftily therefrom and even loftily above the walking shoe foot-rest surface (8). Each such lofty and springy upright column (e.g. 11) topically carries a visually bright ornamental feature (e.g. 19). Such bright ornamental characteristic is alternatively provided by: some structurally inherent nature e.g. chemical phosphoresence; or alternatively, a chemical storage battery (e.g. 12) having an electrically conductive stance with an incandescent bulb (e.g. 16) carried by the ornamental feature (19).

In the Claims:

Claim 1 has been canceled in favor of the newly introduced and sole remaining independent Claim no. 10 (filed 25 Oct 2002):

2. The aesthetieally improved walking shoe of Claim 1 10 wherein the at least one topically carried ornamental feature possesses a luminescent characteristic and wherein each such column is helieal loftily structural helical throughout.

3. The improved walking shoe of Claim 2 wherein there is a plurality of said visual warning means, all being underlyingly underlyingly attached at a common-adaptor located at a rearward portion of the walking shoe lower-base.

4. The structure of Claim 2 wherein the topically carried-carried ornamental feature takes the form of an incandescent bulb that is powered from a chemical storage-battery that is removably attached to the walking shoe lower-base nearby the rear-end thereof.

6. The structure of Claim 5 wherein there is a plurality of said helical metallic vibratory members, all being attached through a common-adaptor to a rearward-pertien- the rear-end of said walking shoe lower-base and in adjacent proximity to said removably positioned chemical storage-battery.

8. The structure of Claim 7 wherein there are plural pairs of flexible metallic wires and surrounding helical vibratory members, all said pairs being attached through a common adaptor to a rearward-pertien- the rear-end of said walking shoe lower-base and in adjacent proximity to said removably positioned chemical storage-battery.

9. The structure of Claim 2 wherein the at least one visually bright topical ornamental feature is itself independently luminescent and without the need of non-natural electrical-power a chemical storage battery.

Having now made efficaceous bona fide efforts to respond to the Official Actions dated 28 August 2002 and 23 December 2002: it is respectfully urged that all claims of this patent application are now in condition for allowance, and an early Notice-of-Allowance is courteously solicited.

Respectfully submitted,

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1-14-03
(date)

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I, Todd A. Bland Todd A. Bland do hereby certify that this paper is being deposited with the U.S. Postal Service on this) 14 day of January 2003 in a despatch envelope (1st class postage prepaid thereon) and addressed to:

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